

(i) NARA assumes no responsibility for loss or damage to microfilm equipment or supplies left unattended.

(j) NARA will inspect the microform output at scheduled intervals during the project to verify that the processed film meets the microfilm preparation and filming standards required by part 1230 of this chapter. To enable NARA to properly inspect the film, NARA must receive the film within 5 days after it has been processed. The person or organization producing the microfilm will provide NARA with a silver halide duplicate negative of the filmed records (see § 1254.94(d)) according to the schedule shown in (k). If the processed film does not meet the standards, NARA may require that the records be re-filmed.

(k) When 10,000 or fewer images are filmed, the person or organization producing the microfilm will provide NARA with a silver halide duplicate negative upon completion of the project. When the project involves more than 10,000 images, a silver halide duplicate negative of the first completed roll or segment of the project reproducing this image count will be provided to NARA for evaluation; subsequent completed segments of the project, in quantities approximating 100,000 or fewer images, will be provided to NARA within 30 days after filming unless NARA approved other arrangements.

[52 FR 20081, May 29, 1987, as amended at 64 FR 19905, Apr. 23, 1999]

#### **§ 1254.102 Rescinding permission.**

NARA may, at any time, rescind permission to microfilm records:

(a) If the person or organization fails to comply with the microfilming procedures in § 1254.100;

(b) If inspection of the processed microfilm reveals persistent problems with the quality of the filming or processing;

(c) If the person or organization fails to proceed with the microfilming or project as indicated in the request, or

(d) If the microfilming project is having an unanticipated adverse effect on the condition of the documents or the space set aside in the NARA facility for microfilming.

(e) If the person or organization fails to pay NARA fees in the agreed to amount or on the agreed to payment schedule.

[52 FR 20081, May 29, 1987, as amended at 64 FR 19906, Apr. 23, 1999]

### **PART 1256—RESTRICTIONS ON THE USE OF RECORDS**

Sec.

1256.1 Scope of part.

1256.2 Restrictions on access.

1256.4 Access to records containing personal information.

#### **Subpart A—General Restrictions**

1256.10 National security information.

1256.12 Information exempted from disclosure by statute.

1256.14 Trade secrets and commercial or financial information.

1256.16 Information which would invade the privacy of an individual.

1256.18 Information related to law enforcement investigations.

#### **Subpart B—Specific Restrictions**

1256.40 Agency-imposed restrictions.

#### **Subpart C—Domestic Distribution of United States Information Agency Materials in the National Archives of the United States**

1256.50 Scope of subpart.

1256.52 Purpose.

1256.54 Definition.

1256.56 Transfer of USIA audiovisual records to NARA.

1256.58 Domestic distribution of USIA audiovisual records transferred to NARA.

1256.60 Fees.

AUTHORITY: 44 U.S.C. 2101-2118; 22 U.S.C. 1461(b).

#### **§ 1256.1 Scope of part.**

This part contains material referred to in § 1254.30.

[40 FR 56892, Dec. 5, 1975. Redesignated and amended at 50 FR 15723, 15727, Apr. 19, 1985]

#### **§ 1256.2 Restrictions on access.**

The use of some archives and donated historical materials transferred to the National Archives of the United States, especially those of recent date, is subject to restrictions prescribed in statute or Executive order, or restrictions specified by the donor or agency from

which the records were transferred and imposed by the Archivist of the United States. Restrictions on access to particular records that have been specified by the donor or transferring agency are known as "specific restrictions." Restrictions on access that may apply to more than one record group are termed "general restrictions," and apply to the kinds of information or classes of records designated, regardless of the record group to which such records have been allocated. Both specific and general restrictions have been published in the "Guide to the National Archives of the United States." (See § 1254.30.) Subparts A and B contain restrictions that have been added or revised since the publication of the latest edition of the Guide.

[40 FR 56892, Dec. 5, 1975. Redesignated at 50 FR 15723, Apr. 19, 1985]

**§ 1256.4 Access to records containing personal information.**

(a) *NARA policy.* Access to archival records containing information access to which would invade the privacy of an individual is restricted by § 1256.16.

(1) NARA may authorize access to such records for the purpose of statistical or quantitative research to qualified persons doing biomedical research under the conditions outlined in this section.

(2) If NARA is able to make a copy of such records with all personal identifiers masked or deleted, NARA will make such a "sanitized" copy of the record available to all researchers in accordance with part 1254 of this chapter.

(3) NARA will not grant access to restricted census and survey records of the Bureau of the Census less than 72 years old containing data identifying individuals enumerated in population censuses in accordance with 44 U.S.C. 2108(b).

(4) NARA will not grant access contrary to a specific restriction to records which have specific restrictions on access imposed by the agency of origin in accordance with § 1256.40.

(b) *Request for access.* Researchers who wish to have access to records the use of which is restricted by § 1256.16 to conduct biomedical research must submit a written request to the Assistant

Archivist for the National Archives (NN), National Archives and Records Administration, Washington, DC 20408. OMB control number 3095-0002 has been assigned to this collection of information requirement. Researchers are encouraged to consult informally NARA prior to submitting the formal request. The request must include the following information:

- (1) Name and mailing address;
- (2) Institutional affiliation and position, if applicable;
- (3) List of published research;
- (4) References from two persons who have first-hand knowledge of the requester's qualifications to perform the research;
- (5) A statement of the nature of the research to be conducted and any plans for publication or presentation of the research findings;
- (6) A listing of all sources of great funds supporting the research project or its publication;
- (7) A statement of the methodology to be used;
- (8) A statement of the administrative, technical, and physical safeguards to be employed by the researcher to prevent unauthorized use or disclosure of the records;
- (9) A listing of the record groups and series titles to be used; and
- (10) A statement that the researcher will abide by the conditions of access to be prescribed by NARA and that the researcher will assume responsibility for the action of all persons working with the researcher on the project.

(c) *Access Review Committee.* Requests made under paragraph (b) of this section will be reviewed by NARA's Access Review Committee, which is composed of the Deputy Archivist of the United States, the Assistant Archivist for the National Archives, and the director(s) of the NARA division(s) which has custody of the requested records. The Committee may consult other persons within and outside the Federal Government who are knowledgeable in the research field for assistance in evaluating a request.

(1) The Committee will examine the request to determine:

- (i) Whether the requested information is of such a highly sensitive personal nature that disclosure should not